

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JEFFREY MARCUS, Individually and on
Behalf of All Others Similarly Situated

Plaintiff,

v.

Civil Action No. 08-5859 (KSH)

BMW OF NORTH AMERICA, LLC,
BRIDGESTONE FIRESTONE NORTH
AMERICAN TIRE, LLC AND
BRIDGESTONE CORPORATION

Defendants.

ORDER

KATHARINE S. HAYDEN, U.S.D.J.

The plaintiff, Jeffrey Marcus (“Marcus”), having moved to certify a national class under Counts 1 and 2 of the amended complaint [D.E. 26], and to certify a New Jersey sub-class under Counts 3 through 11 of the amended complaint [D.E.’s 26, 144], and to exclude the expert testimony of William D. Pettit [D.E. 198]; and the defendants—BMW of North America (“BMW”), Bridgestone Firestone North American Tire, LLC (now known as Bridgestone Americas Tire Operations, LLC, or “BATO”), and Bridgestone Corporation (“Bridgestone”)—having moved to exclude the expert testimony of Charles G. Gold [D.E. 207]; and the Court having heard oral argument and considered the parties’ briefs; and for the reasons stated in the opinion filed herewith,

IT IS this 19th day of November, 2010, hereby

ORDERED that Marcus's motion to certify the national class [D.E. 144] is **denied**, and it is further

ORDERED that Marcus's motion to certify the New Jersey sub-class [D.E. 144] is **granted**, and it is further

ORDERED that Marcus's motion to exclude the expert testimony of William D. Pettit [D.E. 198] and the defendants' motion to exclude the expert testimony of Charles G. Gold [D.E. 207] are both **denied**.

/s/ Katharine S. Hayden

Katharine S. Hayden, U.S.D.J.